

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 4-22 are presently active; Claims 1, 3-10, 15, and 16-18 have been amended, Claim 19-22 have been added, and Claims 2 and 3 have been cancelled without prejudice by the present amendment.

In the outstanding final Office Action, Claims 1, 2, 9, and 16-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ott (U.S. Pat. No. 6,182,264). Claims 7, 10, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ott in view of Stallings (Data and Computer Communications). Claims 8 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ott in view of Stallings and further in view of Zori (ARQ Error Control for Fading Mobile Channels). Claims 3-6, 12, and 13 were objected to for being dependent from a rejected base claim but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Applicants acknowledge with appreciation the indication of allowable subject matter in Claims 3-6 12 and 13. In order to expedite prosecution of the present application, independent Claims 1 and 16-18 have been amended to include the identified allowable subject matter associated with the error flag of Claim 3. Thus, Claims 1 and 16-18 and the claims dependent therefrom contain allowable subject matter and are in a condition for allowance.

This amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a

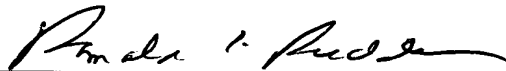
Application No. 09/855,687  
Reply to Office Action of July 21, 2005

showing of good and sufficient reasons why the amendment is necessary and was not presented earlier. The present amendment amends independent Claims 1 and 16-18 to include the identified allowable subject matter. Thus, Claims 1 and 4-22 are in a condition for allowance. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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